

AMENDED IN SENATE DECEMBER 16, 2009

AMENDED IN SENATE JULY 16, 2009

AMENDED IN SENATE JUNE 9, 2009

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY APRIL 23, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 234

Introduced by Assembly Member Huffman

February 5, 2009

~~An act to amend Sections 25450 and 25450.1 of the Public Resources Code, relating to energy. An act to add Section 8670.17.3 to the Government Code, relating to oil spills.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 234, as amended, Huffman. ~~Energy: water use and energy efficiency projects: federal stimulus funds. Oil spill prevention and response: transfer of oil.~~

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government. Existing law requires the

administrator to adopt and implement regulations regarding the equipment, personnel, and operation of vessels to and from marine terminals that are used to transfer oil.

This bill would require a transfer unit, as defined, to provide at the point of transfer of oil appropriate equipment and supplies for the containment and removal of oil spills in water adjacent to a transfer site. The bill would also require the transfer unit to have, among other things, equipment compatible with a vessel traffic advisory control system.

~~Existing law requires the Public Utilities Commission, State Energy Resources Conservation and Development Commission (Energy Commission), and the Department of Water Resources to undertake various programs related to energy and water conservation.~~

~~This bill would require that any moneys received by the state pursuant to the federal American Recovery and Reinvestment Act of 2009 that are directed for energy-related activities, programs, or projects, be administered by the state's energy and water agencies, and provide that those activities, programs, or projects should adhere to the principle of accountability while also adhering to existing state policies to promote energy efficiency, promote water conservation, promote the development and use of renewable energy resources, protect the environment, and provide green job training.~~

~~Existing law requires the Energy Commission to administer funds allocated to and received by the state pursuant to the federal Energy Independence and Security Act of 2007.~~

~~This bill would additionally require the Energy Commission to administer funds allocated and received by the state pursuant to the American Recovery and Reinvestment Act of 2009.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8670.17.3 is added to the Government
- 2 Code, to read:
- 3 8670.17.3. (a) For purposes of this section, the following
- 4 definitions apply:
- 5 (1) “#1 and #2 grade oils” have the same meaning as defined
- 6 in Section 841(a) of Title 14 of the California Code of Regulations.

1 (2) “Boom” has the same meaning as defined in Section 841(b)
2 of Title 14 of the California Code of Regulations.

3 (3) “Transfer unit” has the same meaning as defined in Section
4 841(i) of Title 14 of the California Code of Regulations.

5 (b) A transfer unit shall provide at the point of transfer of oil
6 appropriate equipment and supplies for the containment and
7 removal of spills of both persistent oil and #1 and #2 grade oils
8 in water adjacent to the transfer site. Prior to beginning the
9 transfer operation, the transfer unit shall preboom each oil transfer
10 for the duration of the entire transfer operation.

11 (1) In order to preboom transfers, the transfer unit shall have,
12 prior to the transfer, access to a boom four times the length of the
13 largest vessel involved in the transfer or 2,000 feet in length,
14 whichever is less.

15 (2) The transfer unit shall deploy the boom so that it completely
16 surrounds the vessel and facility or terminal dock area directly
17 involved in the transfer operation, or the transfer unit may preboom
18 the portion of the vessel and transfer area that will provide for
19 maximum containment of any oil spilled into the water.

20 (3) The boom shall be deployed with a minimum stand-off of
21 five feet away from the sides of a vessel, measured at the waterline.
22 This stand-off may be modified for short durations needed to meet
23 the operational needs of a vessel, facility, or terminal.

24 (4) The transfer unit shall periodically check the boom
25 positioning and adjust it as necessary throughout the duration of
26 the transfer, and specifically during tidal changes and significant
27 wind or wave events.

28 (5) Within one hour of an oil spill, the transfer unit shall be
29 able to complete deployment of the remaining boom, should it be
30 necessary for containment, protection, or recovery purposes.

31 (c) The transfer unit shall have functional equipment that is
32 compatible with any vessel traffic advisory control system that is
33 established along the California coast.

34 (d) The transfer unit, while in marine waters, shall at all times
35 have at least one person on the bridge who is able to communicate
36 fluently and effectively both in English and in the language of the
37 master of the vessel.

38 ~~SECTION 1. Any moneys received pursuant to the federal~~
39 ~~American Recovery and Reinvestment Act of 2009 (Public Law~~
40 ~~111-5) that are directed for energy-related activities, programs, or~~

1 projects, including energy efficiency and renewable energy
2 programs, projects for the building of electrical transmission lines,
3 and activities to create conservation or “green-collar” jobs, shall
4 be administered by the appropriate state energy and water agencies
5 and should adhere to the principle of accountability while also
6 adhering to existing state policies to promote energy efficiency,
7 including green building practices, promote water conservation,
8 promote the development and use of renewable energy resources,
9 protect the environment, and provide green job training.

10 SEC. 2. Section 25450 of the Public Resources Code is
11 amended to read:

12 25450. (a) The Legislature finds and declares all of the
13 following:

14 (1) The 110th Congress enacted the Energy Independence and
15 Security Act of 2007 (42 U.S.C. Sec. 17001 et seq.) that establishes
16 an energy efficiency and conservation block grant program to
17 provide grants to eligible entities, including states and local
18 governments, to help them reduce fossil fuel emissions, improve
19 energy efficiency, and reduce overall energy consumption.

20 (2) Section 545(c)(1)(A) of the Energy Independence and
21 Security Act of 2007 (42 U.S.C. Sec. 17155(c)(1)(A)) mandates
22 that states receiving block grants under the act use not less than
23 60 percent of the grant amount to provide subgrants to local
24 governments that are not eligible entities for the purposes of the
25 act.

26 (3) The 111th Congress enacted the American Recovery and
27 Reinvestment Act of 2009 (Public Law 111-5) that appropriates
28 funds for energy efficiency and conservation, water conservation,
29 home weatherization, green workforce development, and renewable
30 energy.

31 (b) It is the intent of the Legislature that the state achieve the
32 purposes and implement the requirements for these energy and
33 conservation block grant programs in the most expedient manner
34 possible. Moreover, to the extent possible without causing undue
35 delay, the commission shall look to the Energy Independence and
36 Security Act of 2007 and the American Recovery and Reinvestment
37 Act of 2009 programs and make policy decisions that leverage and
38 maximize the use of these dollars, including, but not limited to,
39 the areas of energy efficiency, renewable energy, water efficiency,
40 weatherization, and green workforce development.

1 ~~SEC. 3. Section 25450.1 of the Public Resources Code is~~
2 ~~amended to read:~~

3 ~~25450.1. (a) The commission shall administer funds allocated~~
4 ~~to and received by the state pursuant to the Energy Independence~~
5 ~~and Security Act of 2007 (42 U.S.C. Sec. 17001 et seq.) and the~~
6 ~~American Recovery and Reinvestment Act of 2009 (Public Law~~
7 ~~111-5).~~

8 ~~(b) The commission may award grants from funds received~~
9 ~~pursuant to the Energy Independence and Security Act of 2007~~
10 ~~and the American Recovery and Reinvestment Act of 2009, as~~
11 ~~well as enter into contracts to perform functions required to~~
12 ~~promptly award energy efficiency and conservation block grants.~~